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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,501	03/13/2001	Carl R. Strathmeyer	024/1	1952

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EXAMINER

NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,501

Applicant(s)

STRATHMEYER ET AL

Examiner

Van Kim T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to communications filed on August 23, 2004.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witchalls (US 6,407,996), in view of Sengodan (US 6,490,275).

Regarding claims 1, 4, 7, 10, 13, 16, 19-22, and 26, as shown in Figures 8-15, Witchalls discloses a method comprising transmitting from an application computer (300, 313, 314) connected to a data network (309, 400) to a gatekeeper (315) connected to the data network, over the data network, packetized messages indicative of telephone calls in progress (status message/off-hook condition, col. 9: lines 43-53; communications connections are in existence, col.7: lines 55-57) at an endpoint (302-308, 316, 317, 410, 420, and 499) of the data network (cols. 7-16, esp. col. 12: lines 15-20, and col. 13: lines 9-14), the application computer being located separately from the endpoint. The application computer (300, 313, 314) is arranged to execute applications using call control information (cols. 7-8, esp. col. 7: lines 37-57, and col. 8: lines 33-35, and lines 48-60).

Regarding claims 2, 5, 8, 14, 17, and 23, Witchalls also discloses the information includes the originating IP address of the call (601, 604, 607, 611; col. 13: lines 15-28).

Regarding claim 3, 6, 9, 15, 18, and 24, Witchalls also discloses the information includes the words exchanged by parties in the call (col. 10: lines 5-11).

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However, Witchalls does not call for transmitting from the gatekeeper to the application computer over the data network, packetized messages with information associated with the telephone calls, the information indicative of the length of the telephone calls.

As shown in Figs. 1-11, Sengodan teaches transmitting from the gatekeeper to the application over a data network, packetized messages with information associated with the telephone calls (ARQ/ACF/ARJ or BCF/BRJ message; col. 7: lines 19-26; col. 8: line 3 – col. 11: line 17), the information indicative of the length of the telephone calls (bandwidth requirement/allocated bandwidth).

Regarding claim 25, Sengodan also teaches the call controller is configured to operate in accordance with at least H.323 protocol (col. 1: line 15 –col. 3: line 40).

Since it is highly desirable to reduce call setup time without adversely affecting the call setup functionality, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Sengodan's method of including the length of call in setup messages, in Witchalls' packet network telephony system, motivated by the desire to improve call setup efficiency in multimedia communications systems.

Response to Arguments

4. Applicant's arguments filed August 23, 2004 have been fully considered but they are not persuasive.

Applicant argues that "communication exchange apparatus 300 is not an "application computer arranged to execute applications using call control information" ---"(page 9: lines 12-

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14). However, as recited by Witchalls, "*The communications exchange apparatus 300 may comprise a service database 320, ..., a routing table database 321 ... which the call control can interrogate for detailing communications call routing information...; and one or more high level services server devices, and a voice mail server device 223, each of which passes messages to and from the call control*" (col. 7: line 59 – col. 8: line 4). Thus, communication exchange apparatus 300 inherently arranged to execute applications such as database/ routing/server services using call control information.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., gatekeeper functions as disclosed in the specification, e.g., bandwidth control, zone management, address translation, and admission control, page 10: lines 8-10) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 703-305-7692. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 703-305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

vkn



SALEH NAJJAR
PRIMARY EXAMINER